

AMENDED IN ASSEMBLY MARCH 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 135

Introduced by Assembly Member Reyes

January 16, 2003

An act to ~~amend~~ *add* Section ~~207~~ of 200 to the Penal Code, relating to ~~kidnapping~~ *homicide victims*.

LEGISLATIVE COUNSEL'S DIGEST

AB 135, as amended, Reyes. ~~Kidnapping~~ *Homicide victims*.

Existing law regulates the disposition of human remains, and makes it a misdemeanor to remove ~~uncremated~~ *uncremated* human remains from the district where death occurs, except as specified. ~~Existing law provides that every person who forcibly, or by any other means of instilling fear, steals, takes, holds, detains, or arrests any person in this state, and carries the person into another country, state, or county, or into another part of the same county, is guilty of kidnapping, and defines kidnapping to include several other related types of conduct. Kidnapping is punishable by imprisonment in the state prison for 3, 5, or 7 years, except that if the person kidnapped is under 14 years of age at the time of the crime, it is punishable by 5, 8, or 11 years in the state prison, except as specified.~~

This bill would provide that every person who ~~forcibly, or by any other means,~~ steals, takes, or moves the body of any ~~child under the age of 14 years~~ *person* who has been the victim of a homicide ~~in this state,~~ and carries that body into another country, state, or county, or into another part of the same county, ~~without permission of the agency responsible for the investigation of homicides at the location of the~~

~~killing of the child, is guilty of kidnapping with the intent to conceal the body from law enforcement, or to prevent or obstruct the investigation or prosecution of any crime related to the homicide, is guilty of a felony punishable by 3, 5, or 7 years in the state prison.~~

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 207 of the Penal Code is amended to~~
2 ~~read:~~

3 ~~207.—(a) Every person who forcibly, or by any other means of~~
4 ~~instilling fear, steals or takes, or holds, detains, or arrests any~~
5 ~~person in this state, and carries the person into another country,~~
6 ~~state, or county, or into another part of the same county, is guilty~~
7 ~~of kidnapping.~~

8 ~~(b) Every person, who for the purpose of committing any act~~
9 ~~defined in Section 288, hires, persuades, entices, decoys, or~~
10 ~~seduces by false promises, misrepresentations, or the like, any~~
11 ~~child under the age of 14 years to go out of this country, state, or~~
12 ~~county, or into another part of the same county, is guilty of~~
13 ~~kidnapping.~~

14 ~~(c) Every person who forcibly, or by any other means, steals,~~
15 ~~takes, or moves the body of any child under the age of 14 years who~~
16 ~~has been the victim of a homicide in this state, and carries that body~~
17 ~~into another country, state, or county, or into another part of the~~
18 ~~same county, without permission of the agency responsible for the~~
19 ~~investigation of homicides at the location of the killing of the child,~~
20 ~~is guilty of kidnapping.~~

21 ~~(d) Every person who forcibly, or by any other means of~~
22 ~~instilling fear, takes or holds, detains, or arrests any person, with~~
23 ~~a design to take the person out of this state, without having~~

1 established a claim, according to the laws of the United States, or
2 of this state, or who hires, persuades, entices, decoys, or seduces
3 by false promises, misrepresentations, or the like, any person to go
4 out of this state, or to be taken or removed therefrom, for the
5 purpose and with the intent to sell that person into slavery or
6 involuntary servitude, or otherwise to employ that person for his
7 or her own use, or to the use of another, without the free will and
8 consent of that persuaded person, is guilty of kidnapping.

9 ~~(e) Every person who, being out of this state, abducts or takes~~
10 ~~by force or fraud any person contrary to the law of the place where~~
11 ~~that act is committed, and brings, sends, or conveys that person~~
12 ~~within the limits of this state, and is afterwards found within the~~
13 ~~limits thereof, is guilty of kidnapping.~~

14 ~~(f) Subdivisions (a) to (e), inclusive, do not apply to any of the~~
15 ~~following:~~

16 ~~(1) To any person who steals, takes, entices away, detains,~~
17 ~~conceals, or harbors any child under the age of 14 years, if that act~~
18 ~~is taken to protect the child from danger of imminent harm.~~

19 ~~(2) To any person acting under Section 834 or 837.~~

20 *SECTION 1. Section 200 is added to the Penal Code, to read:*

21 *200. Every person who steals, takes, or moves the body of a*
22 *homicide victim into another country, state, county, or into another*
23 *part of the same county with the intent to conceal the body from law*
24 *enforcement, or to prevent or obstruct the investigation or*
25 *prosecution of any crime related to the homicide, is guilty of a*
26 *felony punishable by three, five, or seven years in the state prison.*

27 *SEC. 2. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution because*
29 *the only costs that may be incurred by a local agency or school*
30 *district will be incurred because this act creates a new crime or*
31 *infraction, eliminates a crime or infraction, or changes the penalty*
32 *for a crime or infraction, within the meaning of Section 17556 of*
33 *the Government Code, or changes the definition of a crime within*
34 *the meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*